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July 11, 2018

File No.: NAN 040

**BY E-MAIL:** [Paul.Hasselback@VIHA.ca](mailto:Paul.Hasselback@VIHA.ca)

**URGENT RESPONSE REQUESTED**

**ATTN: Dr. Paul Hasselback**  
Vancouver Island Health Authority  
3<sup>rd</sup> Floor, 6475 Metral Drive,  
Nanaimo, B.C. V9T 2L9

Dear Dr. Hasselback:

**RE: *City of Nanaimo's Request of July 6, 2018 for Issuance of Evacuation Order at Tent City***

We expect the City of Nanaimo will be in compliance with your order by the July 12<sup>th</sup>, deadline (with the exception of the hand sanitizer issue due to the alcohol contents which are a public health risk). In the interim we formally request that you issue an evacuation order to the occupants at Tent City pursuant to section 83(3) of the *Public Health Act*.

*Basis for Evacuation Order*

In your order of July 5<sup>th</sup>, 2018, and reconsideration letter and varied order of July 9<sup>th</sup>, 2018, you have stated that:

1. conditions exist that present a "significant risk of causing a health hazard";
2. your order is necessary to "decrease or eliminate the health hazard risk";
3. a civil injunction order from the Court to remove the occupants is "uncertain" and would not occur in a "timely manner"; and
4. the site is not intended for human occupancy.

The City agrees with all of the above. Nevertheless, the varied order will not eliminate the health hazard risk but exacerbate conditions further as the number of occupants increase.

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We appreciate that the occupants at Tent City are as likely to comply with an evacuation order issued by the MHO as they did with the Notice to Vacate order issued by the City. However, we are before the Court next week and an evacuation order would provide a Supreme Court Justice sufficient basis for urgent Court action given the deteriorating and unsustainable health conditions.

This is the best approach for VIHA to work cooperatively with the City of Nanaimo to eliminate a health hazard of which both local authorities are in agreement and responsible to the citizens of Nanaimo. Given that time is of the essence, we would appreciate a response to this letter by 1:00 p.m. tomorrow.

Thank you for your consideration.

**DOMINION GOVLAW LLP**

Per:



Troy DeSouza\*

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TD/ms

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cc: Karen Fry  
Bill Sims

NAN 040\100718 LTR to Hasselback\ms